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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,623	10/05/2000	Maki Yukawa	2257-163P	8138

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EXAMINER

TRAN, KHANH C

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/679,623

Applicant(s)

YUKAWA, MAKI

Examiner

Khanh Tran

Art Unit

2631

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 3-6 and 8-15.
Claim(s) rejected: 1,2,7 and 16.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues on page 11 of the Remark that "The Office Action clearly equates the pre-selection control information (PCI) with the claimed program signal. This is clear from the response to arguments section, particularly statements such as "the reception unit 130 sends the PID to the TS decoder unit 122 to extract the program control information (PCI) corresponding to the PID at step S2014." (March 21, 2005 Office Action, page 3, lines 5-6). Similar statements can be found on page 4, first full paragraph as well as the sentence bridging pages 4-5 of the latest Office Action".

Examiner's position has been clearly stated in the Final rejection. First, Applicant does not consider Examiner's responses as a whole. Applicant selects a certain sentence in the responses and alleges that the Office action clearly equates the pre-selection control information (PCI) with the claimed program signal. As recited in the Final rejection, the Office action clearly states that the TS decoder unit 122 uses the packet identifier (PID) corresponding to the video and audio written in the program map table (PMT) to extract data information. As expressly taught in Sonoda et al. invention, in column 20, lines 5-30, see also figure 20, when the reception control unit 130 judges that the PMT does not include a pre-selection control information (PCI) in step S2012, the reception control unit 130 sends to the TS decoder unit 122 the PIDs corresponding to the "video" and "audio" written in the PMT, and instructs the TS decoder unit 122 to output the presentation data related to the PIDs to the A/V decoder unit 123, see also figure 1. The A/V decoder unit 123 decodes the A/V data input from the TS decoder unit 122, and outputs the decoded A/V data to the reproducing unit 124 at step S2022. The decoded A/V (audio and video) data is the program signal, as defined in the original disclosure; see page 14 line 24 via page 15 line 5. The Office action does equate the TS decoder unit 122 and A/V decoder unit 123 shown in figure 1 to the claimed signal extraction means because, as disclosed on page 14 line 15 via column 15 line 5, of the original disclosure, Applicant discloses the DEMUX 12, on the basis of the signal extraction parameter, dismantles the packet form in the packet stream for extracting a bit stream of the image data and a bit stream of the sound data and outputting them to the image decoder 14 and sound decoder 15. In view of that, one of ordinary skill in the art would have recognized the interchangeability of the TS decoder unit 122 and A/V decoder unit 123 taught in Sonoda et al. for the corresponding DEMUX 12 disclosed in the specification of the instant application. Furthermore, according to Sonoda et al. teachings, the reception control unit 130 judges whether the PMT includes a program control information (PCI) at step S2012. When having judges the program map table (PMT) includes a PCI, the reception control unit 130 sends the packet identifier (PID) [Emphasis Added] to the TS decoder unit 122 to extract the PCI corresponding to the PID. The foregoing teachings are similar to the following portion of the original disclosure: on page 14 line 17-23, a controller serves as parameter set means for setting the program parameter described in the information table in DEMUX 12 as signal extraction parameter ... The program parameter is data including a PID for dismantling a packet form and obtaining image data, sound data. In light of the foregoing discussion, the reception control unit 130 corresponds to the claimed "parameter set means". The PMT corresponds to the claimed "information table". The act of judging whether the PMT includes a PCI at step S2012 corresponds to the claimed "detecting content change of the information table". The presence or absence of the PCI would correspond to the claimed "pre-determined criterion", which is claimed in claim 2 of the pending application. When judging that the PMT includes a PCI, the reception control unit 130 sends the PID to the TS decoder unit 122, and instructs it to extract the PCI corresponding to PID. The aforementioned disclosure would correspond to the claimed "parameter set means detecting the content change and setting the program parameter, described in said information table ..." as claimed the pending patent application.

Applicant argues on page 12 of the Remark that "Applicant have further defined the "propam signal" to include a PCR (program clock reference) serving as time information so as to further define over the Sonoda patent. More specifically, the PCI is disclosed by Sonoda as including screen element information 402 and program pre-selection and manipulation control information 403. (See Fig. 4 of Sonoda). When displayed, this PCI generates a static image such as that shown in Figure 19C. This static image may also include manipulation control information (virtual buttons that may be selected by the user). As such, the PCI cannot be equated with the program signal as the Office Action suggests. The further definition of the program signal defines over Sonoda's PCI by including a programclock reference that serves as time information. This program clock reference serving as time information permits a moving image to be displayed. In sharp contrast, Sonoda's PCI includes no such propam clock reference serving as time information. Furthermore, the claimed PCR is different from and not suggested by the TDT (time date table) that is multiplexed into the transport stream and used for synchronizing the current time by the time managing unit 132 as described in column 18, lines 64 to column 19, line 16 of Sonoda".

The Examiner does not response to Applicant's arguments because of the following reasons: the arguments are based on the proposed Amendment, which will not be entered because the proposed Amentment will raise new issues that would require further consideration and search.

Applicant argues on page 14 of the Remark that "To solve these problems, the present invention utilizes an elegant method that greatly simplifies the digital broadcast receiver design and methodology. Specifically, the information table is monitored to detect a content change in the information table. This may be done with a very simple structure or method and is claimed as the parameter set portion that is configured to detect content change of the information table on the basis of a predetennined criterion. In response to a detected content change, the parameter set means sets the program parameter that has changed as the signal extraction parameter".

Examiner's position has stated in the Final rejection and recited again. According to Sonoda et al. teachings, the reception control unit 130 judges whether the PMT includes a program control information (PCI) at step S2012. When having judges the program map table (PMT) includes a PCI, the reception control unit 130 sends the packet identifier (PID) [Emphasis Added] to the TS decoder unit 122 to extract the PCI corresponding to the PID. The foregoing teachings are similar to the following portion of the original disclosure: on page 14 line 17-23, a controller serves as parameter set means for setting the program parameter described in the information table in DEMUX 12 as signal extraction parameter ... The program parameter is data including a PID for dismantling a packet form and obtaining image data, sound data. In light of the foregoing discussion, the reception control unit 130 corresponds to the claimed "parameter set means". The PMT corresponds to the claimed "information table". The act of judging whether the PMT includes a PCI at step S2012

corresponds to the claimed "detecting content change of the information table". The presence or absence of the PCI would correspond to the claimed "pre-determined criterion", which is claimed in claim 2 of the pending application. When judging that the PMT includes a PCI, the reception control unit 130 sends the PID to the TS decoder unit 122, and instructs it to extract the PCI corresponding to PID. The aforementioned disclosure would correspond to the claimed "parameter set means detecting the content change and setting the program parameter, described in said information table ..." as claimed the pending patent application.

Applicant further argues on page 14 of the Remarks that "the above is a fair summary of Sonoda and appears to be largely in agreement with the Office Action's depiction of Sonoda. The claims have been further amended to recite that the signal extraction portion is configured to extract a program signal from the digital broadcast signal on the basis of the signal extraction parameter wherein the program signal includes a PCR (program clock reference) serving as time information. The Office Action relies on Sonoda's PCI and the extraction of the PCI to meet or read on the signal extraction parameter but such an equivalence clearly cannot be made, particularly in view of the amendments made to independent claims 1 and 16. As argued above, the PCI otherwise generates a static image such as that shown in Figure 19C and certainly does not include a program clock reference serving as time information that would otherwise permit a moving image to be displayed. Simply put, Sonoda's PCI simply does not include a program clock reference serving as time information and, therefore, Sonoda fails to disclose or suggest the claimed signal extraction portion configured to extract a program signal on the basis of a signal extraction parameter wherein the program signal includes a program clock reference serving as time information. Likewise, Sonoda fails to disclose or suggest the method of claim 16 reciting the step of extracting a program signal from the digital broadcast signal based on the signal extraction parameter wherein the program signal includes a PCR (program clock reference) serving as time information".

The Examiner does not respond to Applicant's argument above because of the following reasons: the arguments are based on the proposed Amendment, which will not be entered because the proposed Amendment will raise new issues that require further consideration and search.


MOHAMMED GHAYOUR
SUPERVISORY PATENT EXAMINER